IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 2283 of 2007(V)

PETITIONER:

AMMUKUTTY AMMA W/O.GOPALA PILLAI,
KADAZHIKATHU PUTHEN VEEDU,
T.K.M.C.P.O., KILIKOLLOOR, KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOLLAM.

3. TAHSILDAR (REVENUE RECOVERY), KOLLAM.

4. THE VILLAGE OFFICER, THEVALAKKARA VILLAGE, KOLLAM.

5. KOLLAM DEVELOPMENT AUTHORITY, KOLLAM.

BY ADV.SRI.A.MOHAMMED SC. KDA
GOVERNMENT PLEADER SRI.M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.2283 of 2007-V

Dated this the 25th day of January, 2007

JUDGMENT

The petitioner who is an 85 year old lady has approached this Court feeling aggrieved by the alleged high handed action of the 5th respondent Kollam Development Authority. According to her, she has cleared all the amounts due to the 5th respondent. Now, revenue recovery steps have been taken to recover an amount of Rs.1,43,307/- by issuing Exts.P5, P6 and P7 revenue recovery notices. The petitioner submits, there is inordinate delay in claiming the amount and therefore the present demand is barred by limitation. To ascertain whether the loan is a mortgage loan, the petitioner was directed to produce the original title deed of the property. But, she could not produce that.

2. I feel that the dispute raised in this writ petition can be more conveniently adjudicated in a civil suit. If so advised, she may avail that remedy. But, the learned counsel for the petitioner prays that she may be permitted to pay the amount in instalments without prejudice to her contentions. If the petitioner files a representation before the 5th respondent, the said

respondent will consider if any waiver of interest etc. can be given to her. If the petitioner files the representation along with a copy of this judgment within two weeks from today, the 4th respondent shall inform the petitioner whether any relief could be granted to her provided the petitioner pays along with the representation 10% of the amount demanded. The 5th respondent shall also consider granting instalment facility to the petitioner to remit the amount.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE.

MS